UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

	* * *
GERALD and DONNA ERICKSON, Plaintiffs,)))) 3:10-cv-0678-LRH-VPC
v. PNC MORTGAGE; et al.,))) <u>ORDER</u>)
Defendants.)

Before the court is plaintiffs Gerald and Donna Erickson's ("the Ericksons") motion for leave to file an interlocutory appeal of this court's May 6, 2010 order granting in-part and denying in-part defendants' motion to dismiss (Doc. #54¹). Doc. #55.

Pursuant to 28 U.S.C. § 1292, a district court may grant an interlocutory appeal of an order not otherwise appealable if the court is of the opinion that "such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b).

Here, the court has reviewed the documents and pleadings on file in this matter and finds that an interlocutory appeal of this court's order is not warranted. First, there is no controlling question of law as to which there is a substantial ground for difference of opinion. The issues the

¹ Refers to the court's docket entry number.

Ericksons request to appeal involve either well established Ninth Circuit precedents in which there are no differences of opinion, or newly raised questions of Nevada law that are currently being addressed by the Nevada courts. Further, the court finds that allowing an interlocutory appeal would postpone rather than advance the ultimate termination of the litigation. Accordingly, the court shall deny the Ericksons' motion for leave to file an interlocutory appeal. IT IS THEREFORE ORDERED that plaintiff's motion for leave to file an interlocutory appeal (Doc. #55) is DENIED. Fldihe IT IS SO ORDERED. DATED this 22nd day of June, 2011. **LARRY R. HICKS** UNITED STATES DISTRICT JUDGE